UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,608	10/21/2001	Francisco M. Galanes	M61.12-0394	7929

27366   7590   10/06/2005

MICROSOFT CORPORATION C/O WESTMAN
CHAMPLIN & KELLY, P.A.
SUITE 1400 - INTERNATIONAL CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER
HAN, QI

ART UNIT	PAPER NUMBER
2654	.

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/087,608	GALANES ET AL.
	Examiner	Art Unit	
	Qi Han	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)　Paper No(s)/Mail Date <u>08/05/2005</u>.

4)☐ Interview Summary (PTO-413)　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The references listed in the Information Disclosure Statement submitted on 08/05/2005

have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 10 and 24 are rejected under 35 U.S.C. 112, second paragraph, for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

Regarding claim 10, this claim has the same limitations and dependency as claim 2.

Regarding claim 24, this claim has the same limitations and dependency as claim 16.

3.   Claims 11-12 and 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 11 and 25 recite the limitation "one of **the** first set of controls". There is

insufficient antecedent basis for this limitation in the respective claims.

Claim 12 and 26 recite the limitation "**the** recognition value". There is insufficient

antecedent basis for this limitation in the respective claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

ALBAYRAK et al. (US 6,662,163 B1) hereinafter referenced as ALBAYRAK, in view of

WHITE et al. (US 6,460,017 B1) hereinafter referenced as WHITE.

As per **claim 1**, ALBAYRAK discloses system and method for programming portable

devices from a remote computer system (title), in client/server environment (Fig. 1), comprising:

"a set of controls for defining a dialog, the controls comprising at least a question control

for generating markup related to audible prompting of a question, and an answer control for

generating markup related to a grammar for recognition", (col. 3, line 50-64, 'communicates

between client and server computers', 'manage (define) voice dialog for the purpose of

interacting with and guiding users in various work tasks (controls)', 'software combines

application-specific work procedures (including a set of controls) with data...to control

(inherently including controls) how the client interacts with the user...what kind of input to

expect from the user and when to expect it'; col. 4, lines 16-29 and 60-67, 'a voice browser

receives and outputs all information in the form of sound', 'voice XML(markup)...to create

(generate) audio dialogs that feature digitized audio and speech recognition', 'user's voice files

and application-specific grammar files (both needed for speech recognition)', 'play an audio

prompt'; Fig. 2 and col.6, lines 25-31, 'affirmative or negative response including "yes", "no" (read on answer)', which also suggests that the system provides a "question" related control before this response and an "answer" related control for handling this response);

"a module, when executed on the client, creates a dialog", (col. 3, line 50-64, 'dynamically program portable client computers, and to manage voice dialogs for the purpose of interacting with and guiding users in various work tasks'; col. 4, lines 24-2, 'to create (generate) audio dialogs that feature digitized audio and speech recognition').

But, ALBAYRAK does not expressly disclose "each of the controls having an attribute to indicate whether the associated control is available for activation" and the dialog "as a function of which controls are activated". However, the feature is well known in the art as evidenced by WHITE who, in the same field of endeavor, discloses distributed voice web architecture and associated components and methods (title), and teaches that 'an attribute of a component is information the component has' (col. 9, lines 20-21), and provides 'endpointer' with attribute (or parameter): 'active: boolean' for reporting (indicating) the outcome of user's utterance activation according to the related dialog steps or events (including controls) (col. 20; lines 14-64), which is broadly interpreted as the claimed a dialog as "function of which controls are activated". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK by specifically providing attribute reporting the outcome of activation for dialog steps or events, as taught by WHITE, for the purpose of generating the prompt in response to the recognized speech and/or transmitting the prompt to the remote device (WHITE: col. 1, lines 50-53).

In addition, in another view, ALBAYRAK discloses the dialog between 'client' and

'server' and 'voice browser interpret: page play audio prompts and wait for user's verbal

response(s)' (Figs. 5A-5B), and teaches that 'voice browser...follows its instructions

(corresponding to controls) to carry on the application-specific dialog with user (334)' (col. 11,

lines 31-32), which suggests the system necessarily includes activation information (attribute)

indicating current running tasks (controls) and operative function in response to an interactive

action (activating the function, such as playing prompts or waiting an response), in order to keep

normal operation for the dialog interactions. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify ALBAYRAK by

specifically providing activation information (attribute) indicating current running tasks

(activated controls) and operative function in response to an interactive action in the dialog, for

the purpose of performing an action based on text response converted by voice browser

(ALBAYRAK: col. 3, lines 11-13).

As per **claim 15**, the rejection is based on the same reason described for claim 1, because

the claim recites the same or similar limitation(s) as claim 1.

As per **claim 29**, the rejection is based on the same reason described for claim 1, because

the claim recites the same or similar limitation(s) as claim 1.

5.   Claims 2-5, 7-11, 14, 16-19, 21-25, 28 and 30-33 are rejected under 35 U.S.C. 103(a) as

being unpatentable over ALBAYRAK in view of WHITE as applied to claim 1, and further in

view of ALPDEMIR (US 2002/0035474 A1).

As per **claims 2 and 10** (depending on claim 1), ALBAYRAK in view of WHITE does

not expressly disclose "the question control activates the answer control". However, the feature

is well known in the art as evidenced by ALPDEMIR who, in the same field of endeavor,

discloses voice-interactive marketplace providing time and money saving benefits and real-time

promotion publishing and feedback (title), comprising 'natural language recognition' that 'listens

users' request in free form speech or extracts the command and/or data, ...asks additional

questions of the users'(paragraph 220) and the interactions in the dialog including

question/answer sequences (paragraphs 253-268), which suggests the system has capability of

implementing the claimed "question control activates the answer control". Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to

modify ALBAYRAK in view of WHITE by specifically providing question/answer interactions

in the dialog, as taught by ALPDEMIR, for the purpose of providing greater interactive

capability and/or communicating the speech-based representation of the particular data item to

the external device (ALPDEMIR: col. 3, lines 1-2 and abstract).

As per **claim 3** (depending on claim 2), ALBAYRAK in view of WHITE and

ALPDEMIR further discloses "a command control for generating markup related to a grammar

for one of navigation in the markup, help with a task, and repeating an audible prompt",

(ALBAYRAK: col. 11, lines 31-32, 'voice browser...follows it instructions (command control)

to carry on the application-specific dialog with user (334)'; col. 4, lines 23-24, 'voice

XML(markup)...to create (generate) audio dialogs that feature digitized audio and speech

recognition'; col. 4, lines 23-24, 'repeating the telling (audio prompt-telling)'; ALPDEMIR:

paragraphs 132 and 140, ' "help" there should desirably be some automated help (task)' and

'standard data and information formats and protocols, such as HTML, XML, and XVML (markup)').

As per **claim 4** (depending on claim 4), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "a confirmation control for generating markup related to confirming that a recognized result is correct", (ALBAYRAK: col. 4, lines 63-66).

As per **claim 5** (depending on claim 4), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "the confirmation control is activated as a function of a confidence level or a received result", (ALPDEMIR: paragraph 176, function of 'confirm information {confirm()}').

As per **claim 7** (depending on claim 5), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "the confirmation control activates an accept control to accept the recognized result", (ALPDEMIR: paragraph 191, sub-grammar "yes").

As per **claim 8** (depending on claim 5), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "the confirmation control activates a deny control to deny the recognized result", (ALPDEMIR: paragraph 191, sub-grammar "no").

As per **claim 9** (depending on claim 5), the rejection is based on the same reason described for claim 4, because the claim recites the same or similar limitation(s) as claim 4.

As per **claim 11** (depending on claim 10), as best understood in view of claim rejection under 35 USC 112 2nd (see above), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "the answer control includes a mechanism to associate a received result with one of the [first] set of controls", (ALPDEMIR: paragraph 191, sub-grammar "yes" or "no").

As per **claim 14** (depending on claim 1), ALBAYRAK in view of WHITE further

discloses "a second set of controls for generating markup related to visual rendering on a client",

(ALBAYRAK: col. 2, lines 19-20 and 46 and 45-46 'displaying ...information from XML files'

and 'voice browser that interprets VoiceXML programs similar to the way computer users use a

graphical browser (including second set of controls) that interprets HTML program'), but

ALBAYRAK in view of WHITE does not expressly disclose "wherein each control of the first-

mentioned set of controls is associated with at least one of the controls of the second set of

controls". However, the feature is well known in the art as evidenced by ALPDEMIR who

further discloses that 'a message is played/displayed when a caller request businesses...the right

to be announced/displayed'(paragraph 85), 'the text information from the data is converted to

speech... and played backed to the caller using the caller's devices 106' and 'the information

database 134...can also be accessed with a display device' including wireless phones, PDA or

palmtop ...with the ability to display standard HTML', and suggest using 'standard data and

information formats and protocols, such as HTML, XML, VXML' (paragraphs 138-139), which

suggests the system has capability of associating voice related action with text related action by

using VXML, HTML or XML for playing and displaying. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

ALBAYRAK in view of WHITE by specifically providing functionality of playing voice and

displaying text (or graphics) by using VXML, HTML or XML, for the purpose of providing

greater interactive capability and/or communicating the speech-based representation of the

particular data item to the external device (ALPDEMIR: col. 3, lines 1-2 and abstract).

As per **claims 16-19, 21-25, 28** (depending on claim 15), the rejection is based on the same reason described for claims 2-5, 7-11 and 14 respectively, because the claims recite the same or similar limitation(s) as claims 2-5, 7-11 and 14 respectively.

As per **claims 30-33** (depending on claim 29), the rejection is based on the same reason described for claims 2-5 respectively, because the claims recite the same or similar limitation(s) as claims 2-5 respectively.

6.   Claims 6, 12-13, 20 and 27-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALBAYRAK in view of WHITE and ALPDEMIR, as applied to claims 5, 11, 19, 25, and further in view of CHINN et al. (US 2002/0010715 A1) hereinafter referenced as CHINN.

As per **claim 6** (depending on claim 1), even though ALBAYRAK in view of WHITE and ALPDEMIR discloses finding match of an answer (ALPDEMIR: paragraph 228) and using 'check score' function (ALPDEMIR: paragraph 176), ALBAYRAK in view of WHITE and ALPDEMIR does not expressly disclose "the answer control includes an attribute related to a confidence level". However, the feature is well known in the art as evidenced by CHINN who, in the same field of endeavor, discloses system and method of browsing using a limited display device (title), providing accessing web content by using voice commands and markup language (paragraph 6), and teaches that 'the confidence score is a value used by the system that represents the level of certainty in recognition' and "the system may reject a request if the confidence score is below a specific threshold, or may attempt to determine with more certainty (i.e., disambiguate) a request with a confidence score that falls within a specific range' (paragraphs 186 and 222-224). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify ALBAYRAK in view of WHITE and

ALPDEMIR by specifically providing information (attribute) for finding a match by using

confidence score, as taught by CHINN, for the purpose of representing the level of certainty in

recognition (CHINN: paragraph 186).

As per **claim 12** (depending on claim 11), as best understood in view of claim rejection

under 35 USC 112 2nd (see above), the rejection is based on the reason described for claim 6,

because the rejection for claim 6 covers the same or similar limitations of claim 12.

As per **claim 13** (depending on claim 12), ALBAYRAK in view of WHITE, ALPDEMIR

and CHINN further discloses that "the mechanism includes issuing an event related to operation

of binding", (WHITE: col. 10, lines 41-47, 'an event-driven architecture' and teaches that

'events are "fired" (signaled)(read on issued) by the browser, ...or a content application').

As per **claims 20 and 26-27** (depending on claim 15), the rejection is based on the same

reason described for claims 6 and 12-13 respectively, because the claims recite the same or

similar limitation(s) as claims 6 and 12-13 respectively.

Conclusion

7.   Please address mail to be delivered by the United States Postal Service (USPS) as
follows:

> Mail Stop ____
> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

or faxed to: 571-273-8300, (for formal communications intended for entry)
Or: 571-273-8300, (for informal or draft communications, and please label
"PROPOSED" or "DRAFT")
        If no Mail Stop is indicated below, the line beginning Mail Stop should be omitted from
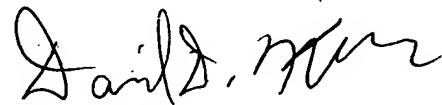the address.

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

U.S. Patent and Trademark Office
Customer Window, Mail Stop _____
Randolph Building
Alexandria , VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see http://pair-direct.uspto.gov.

QH/qh
September 28, 2005

**DAVID D. KNEPPER
PRIMARY EXAMINER**